

## **TOP OF THE ROCK, L.L.C.**

### **Privacy Policy**

*Last updated February 1, 2006*

This document explains the online privacy practices and policy of Top of the Rock, L.L.C. (“TOTR”) for its Top of the Rock website at <http://www.topoftherocknyc.com> (the “Site”).

In general, you remain anonymous when visiting the Site. Top of the Rock does not collect personal data from visitors to the Site, and therefore does not convey any personal data to third parties. The Site does not use “cookies” (small strings of data sent to visitors’ computers to uniquely identify the computers to the web-server).

If you have not already done so, [please click here](#) to review the Terms of Use that govern your use of the Site and the services and products offered on the Site. This Privacy Policy is considered part of the Terms of Use.

#### *Collecting Personal Data*

The Site receives and stores personal data (such as your name, address, telephone number, e-mail address, and credit-card number) that you knowingly supply when you buy tickets from us online, send us e-mail, or request our electronic newsletter. We use this data to process your order, reply to your e-mail, and deliver the newsletter and updates by e-mail, if you opt into our promotional e-mailing list. You can refrain from supplying personal data, but you may then be unable to take full advantage of the Site.

When you buy tickets from us online, we use other companies (Verisign <http://www.verisign.com/Privacy/index.html> , FastTransact [http://www.fasttransact.com/sub\\_nav/privacy\\_statement.htm](http://www.fasttransact.com/sub_nav/privacy_statement.htm) , and American Express <http://www10.americanexpress.com/sif/cda/page/0,1641,14271,00.asp> , to process your credit-card transaction. They may not use your personal data for any other purpose. We also make tickets available through resellers such as Expedia. If you purchase tickets from a reseller, then its privacy policy will apply to personal data that you provide.

If you contact us by e-mail (through a hyperlink on a webpage, or otherwise), then we naturally will have your e-mail address and name and any other information in your message. We will use this information only to reply to your message. We will not share your e-mail address with third parties. We will give you the opportunity to opt into our promotional e-mailing list, in which event we may send you separate e-mail messages announcing events featured in the newsletter. You can opt out of these messages.

The Site also receives and stores personal data (such as your name, address, telephone number, e-mail address, and employment history) when visitors send resumes and applications for employment to us through the Site, or through a link to a related website. Information in those documents will be used only to process the applications. We may investigate statements in resumes and applications to evaluate candidates for employment.

### *Sharing Personal Data*

We are not in the business of selling data about our customers. There are limited circumstances, however, in which we share personal data with third parties. If you purchase tickets from us online, your order will be processed by third parties, who naturally will have access to the data that you supplied. From time to time we may also engage the services of third parties to help us analyze use of the Site. These third parties will be contractually bound to use the personal data only according to this Privacy Policy. They are not authorized to send you any information about goods and services from other companies without your express permission.

We may transfer personal data to an affiliate or third party as part of a transfer of business assets. The data would continue to be covered by the promises in this Privacy Policy.

We may release personal data in order to comply with the law, enforce terms of use and other agreements, and protect customers and others.

### *Non-Personal Data*

In addition to personal data we also collect non-personally identifying data about visitors to the Site that helps us track their number and navigation through the Site. This data may include the Site the visitor arrived from and departs to as well as the IP address of the computer being used to access our the Site. While it may be possible to correlate this information with particular individuals, we do not do so. We use this data only in the aggregate, to show overall patterns for all visitors. We may share it with third parties.

### *Security*

We use reasonable measures to safeguard personal data, including passwords, electronic firewalls, and encryption. Credit-card numbers that you enter on our billing webpage are encrypted and transmitted through SSL (Secure Sockets Layer). We do not store credit-card data on our web-server. We will use your credit-card number only to process your payment.

Visitors also may send resumes and applications for employment to us through the Site, or through a link to a related website. Information in those documents will be used only to process the applications. We may investigate statements in resumes and applications to evaluate candidates for employment.

We endeavor to provide a secure website, but cannot guarantee the confidentiality of electronic communication. Except for credit-card data, transmissions to and from the Site are not encrypted, nor are e-mail messages. Accordingly, you should carefully consider whether to submit sensitive information that you would not want made public, and should recognize that your use of the Site is solely at your own risk.

### *Accessing Your Data*

If you would like to review the personal data collected through the Site, please mail a self-addressed stamped envelope and a check for \$10.00 for administrative costs, payable to Top of

the Rock, L.L.C., c/o Tishman Speyer, 45 Rockefeller Plaza, New York, New York 10111-1200. If you inform us of outdated or inaccurate data, we will make a reasonable effort to correct it.

### *Links*

The Site may contain links to other websites. TOTR is not responsible for their privacy practices, policies, or content.

### *Children*

The Site does not knowingly collect personal data from children under the age of 13.

### *Revision*

We reserve the right to modify, amend, or change this Privacy Policy at any time. TOTR may change the features and content of the Site. This Privacy Policy may change accordingly. If our practice of not collecting personal data changes, we will give you the option to have the data used solely for the purpose for which you provided it. You should periodically revisit this webpage to familiarize yourself with our current Privacy Policy. By visiting the Site, you agree to be bound by the then-current Privacy Policy.

Nothing in this policy is intended to interfere with the ability of Top of the Rock to transfer all or part of its business or assets (including the Site, and any personal data collected under an applicable revised policy) to an affiliate or independent third party, at any time, for any reason.

### *Claims and Comments*

If you believe that TOTR has acted inconsistently with this Privacy Policy, please notify us at the address below. We will respond to your concerns, and take remedial action, if appropriate. If you have questions or comments about this Privacy Policy or the practices of the Site, you may contact Webmaster, Top of the Rock, L.L.C. c/o Tishman Speyer, 45 Rockefeller Plaza, New York, New York 10111-1200, or [info@topoftherocknyc.com](mailto:info@topoftherocknyc.com).

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